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OFFICE OF PETITIONS

In re Application of	:	
Eian et al.	:	DECISION
Application No. 10/669085	:	ON PETITION
Filing or 371(c) Date: 09/23/2003	:	and NOTICE
Attorney Docket Number:	:	REGARDING
09531-154001 / Z03043	:	OATH/DECLARATION

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," filed May 22, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed January 10, 2007. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on April 11, 2007. A Notice of Abandonment was mailed May 8, 2007.

With the instant petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence¹.

The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

Defective oath/declaration

A review of the oath/declaration filed February 11, 2004 reveals that the oath/declaration fails to comply with 37 CFR 1.63 and 37 CFR 1.56, in that 37 CFR 1.63(b)(3) requires the oath or declaration to state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

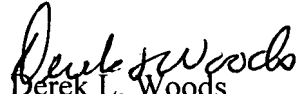
The oath/declaration filed February 11, 2004 states that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to examination.

¹ A review of Office records reveals that the Notice was inadvertently mailed to an incorrect correspondence address.

An oath/declaration in compliance with 37 CFR 1.63 is required.

The application will be referred to Technology Center Art Unit 2624 for re-mailing of the Notice of Allowance and Issue Fee Due, and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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Office of Petitions